

117TH CONGRESS
2D SESSION

S. 4967

To amend the Food and Nutrition Act of 2008 to transition the Commonwealth of Puerto Rico to the supplemental nutrition assistance program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2022

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. SANDERS, Mr. MENENDEZ, Mr. BOOKER, Mr. BLUMENTHAL, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food and Nutrition Act of 2008 to transition the Commonwealth of Puerto Rico to the supplemental nutrition assistance program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Puerto Rico Nutrition
5 Assistance Fairness Act of 2022”.

1 **SEC. 2. AMENDMENTS TO THE FOOD AND NUTRITION ACT**

2 **OF 2008.**

3 (a) DEFINITIONS.—Section 3 of the Food and Nutri-
4 tion Act of 2008 (7 U.S.C. 2012) is amended—

5 (1) in subsection (r) by inserting “Puerto
6 Rico,” after “Guam,”, and

7 (2) in subsection (u)(2) by inserting “, Puerto
8 Rico,” after “Hawaii”.

9 (b) ELIGIBLE HOUSEHOLDS.—Section 5 of the Food
10 and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

11 (1) in subsection (b) by inserting “Puerto
12 Rico,” after “Guam,”,

13 (2) in subsection (c)(1) by striking “and
14 Guam” and inserting “Guam, and Puerto Rico”,
15 and

16 (3) in subsection (e)—

17 (A) in paragraph (1)(A) by inserting
18 “Puerto Rico,” after “Hawaii,” each place it
19 appears, and

20 (B) in paragraph (6)(B) by inserting
21 “Puerto Rico,” after “Guam,”.

22 **SEC. 3. SUBMISSION OF PLAN OF OPERATION; TECHNICAL
23 ASSISTANCE; DETERMINATION AND CERTIFI-
24 CATION BY SECRETARY OF AGRICULTURE.**

25 (a) SUBMISSION OF PLAN OF OPERATION.—On des-
26 ignating an agency of the kind described in section 3(s)(1)

1 of the Food and Nutrition Act of 2008 (7 U.S.C.
2 2012(s)(1)), the Commonwealth of Puerto Rico shall have
3 60 days to submit to the Secretary of Agriculture (in this
4 Act referred to as the “Secretary”) its plan of operation,
5 including a plan to transition to the supplemental nutri-
6 tion assistance program under section 4(a) of such Act
7 (7 U.S.C. 5(a)) as a request to participate in the supple-
8 mental nutrition assistance program under of the Food
9 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

10 (b) TECHNICAL ASSISTANCE.—Within the 60-day pe-
11 riod specified in subsection (a) and upon request from the
12 Commonwealth of Puerto Rico, the Secretary shall provide
13 appropriate training and technical assistance to enable the
14 Commonwealth of Puerto Rico to formulate a plan of oper-
15 ation described in subsection (a).

16 (c) DETERMINATION BY THE SECRETARY OF AGRI-
17 CULTURE.—Not later than 180 days after receiving a plan
18 of operation described in subsection (a), the Secretary
19 shall approve if such plan satisfies the requirements for
20 a supplemental nutrition assistance program State plan
21 in accordance with subsections (d) and (e) of section 11
22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020).
23 If the Secretary does not approve such plan, the Secretary
24 shall provide, not later than 30 days after disapproval, a

1 statement that specifies each of the requirements that
2 were not satisfied by such plan.

3 (d) CERTIFICATION BY THE SECRETARY OF AGRICULTURE.—If the Secretary approves the plan submitted
4 by the Commonwealth of Puerto Rico under subsection
5 (a), the Secretary shall submit to the Congress, not later
6 than 60 days thereafter, a certification that the Commonwealth
7 of Puerto Rico qualifies to participate in the supplemental nutrition assistance program as a State as defined in section 3(r) of the Food and Nutrition Act of
8 2008 (7 U.S.C. 2012(r)).

12 **SEC. 4. TRANSITION FROM THE CONSOLIDATED BLOCK
13 GRANT FOR PUERTO RICO.**

14 (a) COVERED PERIOD.—The Secretary may continue
15 to implement the then most recent approved consolidated
16 block grant specified in section 19(b)(1)(A) of the Food
17 and Nutrition Act of 2008 (7 U.S.C. 2028(b)(1)(A)) for
18 a period ending no later than 5 years after the effective
19 date of the amendments made by this Act, or on the date
20 the Secretary determines that the Commonwealth of Puerto Rico
21 no longer needs to operate the consolidated block grant to complete the transition described in section 3(a),
22 whichever occurs first.

24 (b) REPORT.—For each year a plan is continued
25 under subsection (a), the Secretary shall submit to the

1 Congress an annual report on the operation of such plan.
2 The Secretary shall include in such report information re-
3 lated to increases in funding that are required to accom-
4 modate the transition of the Commonwealth of Puerto
5 Rico from the receipt of block grant payments to the im-
6 plementation of supplemental nutrition assistance pro-
7 gram.

8 **SEC. 5. CONSOLIDATED BLOCK GRANT FOR PUERTO RICO**

9 **AND AMERICAN SAMOA.**

10 Section 19 of the Food and Nutrition Act of 2008
11 (7 U.S.C. 2028) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)(A) by inserting “until
14 the Secretary terminates the implementation of
15 the plan under section 4(a) of the Puerto Rico
16 Nutrition Assistance Fairness Act of 2022,”
17 after “(A),”

18 (B) in paragraph (2)—

19 (i) in subparagraph (A)—

20 (I) in clause (i) by striking
21 “and” at the end, and

22 (II) in clause (ii)—

23 (aa) by inserting “, and end-
24 ing on the date the Secretary ter-
25 minates the implementation of

the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022” after “thereafter”,

(bb) by striking the period at the end and inserting “; and”, and

(cc) by adding at the end
the following:

“(iii) subject to the availability of appropriations under section 18(a), for each fiscal year beginning after the Secretary eliminates the implementation of the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022, percent of the aggregate amount specified in clause (i) and adjusted under clause (ii) as further adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30 of the penultimate fiscal year preceding the effective date and June 30 of the fiscal year for which the adjustment is made under this clause.”,

(ii) in subparagraph (B)(i) by inserting “ending on the date the Secretary terminates the implementation of the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022” after “thereafter”, and

(iii) in subparagraph (C)—

(I) by striking “For” and inserting the following:

“(i) FOR.—”,

(II) by inserting “ending on the date the Secretary terminates the implementation of the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022” after “thereafter”, and

(III) by adding at the end, the following:

“(ii) For each fiscal year beginning after the Secretary terminates the implementation of the plan under section 4(a) of the Puerto Rico Nutrition Assistance Fairness Act of 2022, the Secretary shall use 100 percent of the funds made available under subparagraph (A) for payment to American Samoa to pay 100 per-

1 cent of the expenditures by American Samoa
2 for a nutrition assistance program extended
3 under section 601(c) of Public Law 96–597 (48
4 U.S.C. 1469d(c)).”, and

5 (C) in paragraph (3) by striking “year,”
6 and inserting “year ending on the date the Sec-
7 retary terminates the implementation of the
8 plan under section 4(a) of the Puerto Rico Nu-
9 trition Assistance Fairness Act of 2022, and”
10 after “year”, and

11 (2) in subsection (b)(1)(A) by inserting “and
12 ending on the date the Secretary terminates the im-
13 plementation of the plan under section 4(a) of the
14 Puerto Rico Nutrition Assistance Fairness Act of
15 2022” after “year” the first place it appears.

16 SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

17 There are authorized to be appropriated to carry out
18 this Act such sums as may be necessary until the Sec-
19 retary terminates the implementation of the plan de-
20 scribed on section 4(a) of the Puerto Rico Nutrition As-
21 sistance Fairness Act of 2022.

22 SEC. 7. EFFECTIVE DATES.

23 (a) IN GENERAL.—Except as provided in subsection
24 (b), this Act shall take effect on the date of the enactment
25 of this Act.

1 (b) EFFECTIVE DATE OF AMENDMENTS.—The
2 amendments made by this Act shall take effect on October
3 1 of the 1st fiscal year that begins 1 year after the Sec-
4 retary submits to Congress the certification described in
5 section 3(d) of this Act.

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